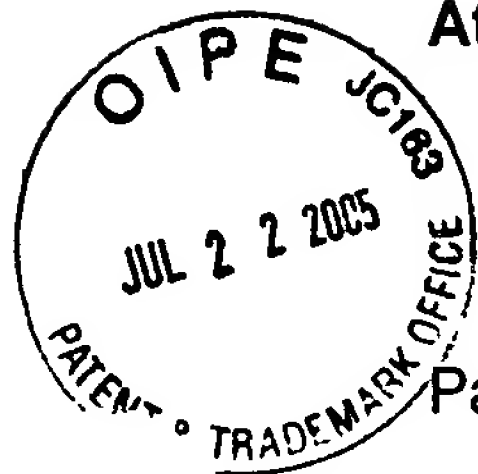


COFC

09/994092

Attorney Docket No. 1271

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number : 6,914,171 B2

Issued : July 5, 2005

Name of Patentee : Pioneer Hi-Bred International, Inc.

Title of Invention : *Brassica Napus* with Early Maturity (Early *Napus*) and Resistance to an AHAS-Inhibitor Herbicide

Attention Certificate of Corrections Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Certificate  
JUL 26 2005  
of Correction

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT  
FOR PTO MISTAKE (37 CFR 1.322(a))**

1. Attached, in duplicate, is Form PTO/SB/44, with at least one copy being suitable for printing.
2. The exact page and line number where the errors are shown correctly in the application file are:

Claim 5, page 19, line 15, of the specification, the word "sulfonylurea" is spelled correctly. It is also spelled correctly in the Amendment After Final filed on January 28, 2005, on page 3, under "Listing of Claims". In the issued patent, column 11, line 43, the word "sulfonylures" should read "sulfonylurea". Copies of both the respective page of the specification and the Amendment After Final are attached for the convenience of the office.

Claim 60 (renumbered as claim 30) was amended and is correctly described on page 2, section titled "Examiner's Amendment" sent with the Notice of Allowability issued March 4, 2005. In the issued patent, column 12, line 60, the word "form" should read "from".

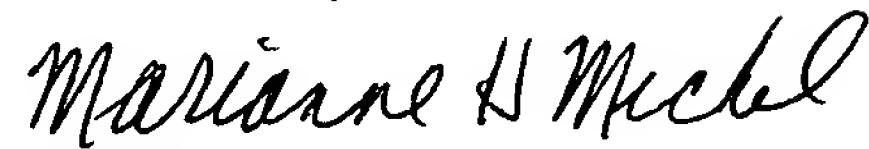
JUL 28 2005

Patent No. 6,914,171 B2  
Attorney Docket No. 1271

3. Please send the Certificate to:

Name Marianne H. Michel  
Address: Pioneer Hi-Bred International, Inc.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000

Respectfully submitted,-



Marianne H. Michel  
Attorney for Applicant(s)  
Registration No. 35,286

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000  
Phone: (515) 334-4467  
Facsimile: (515) 334-6883



## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on July 20, 2005  
Date

Marianne H Michel  
Signature

Marianne H. Michel  
Typed or printed name of person signing Certificate

35,286  
Registration Number, if applicable

(515) 334-4467  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

- 1) Request for Certificate of Correction of Patent for PTO Mistake / 2 Pages (1 copy)
- 2) Copy of Page 19 of Specification / 1 Page (1 copy)
- 3) Copy of Amendment filed January 28, 2005 / 9 Pages (1 copy)
- 4) Copy of Notice of Allowability / 6 Pages (1 copy)
- 5) Certificate of Correction / 1 Page (2 copies)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUL 28 2005



WHAT IS CLAIMED IS;

1. A plant cell of a *Brassica napus* plant which is Early Napus and resistant to at least one AHAS-inhibitor herbicide.
- 5
2. The plant cell of claim 1, wherein said AHAS-inhibitor herbicide is an imidazolinone.
3. The plant cell of claim 2, wherein said imidazolinone is imazethapyr or imazamox or a combination thereof.
- 10
4. The plant cell of claim 1, wherein said AHAS-inhibitor herbicide is a sulfonylurea.
- 15
5. The plant cell of claim 4, wherein said sulfonylurea is thifensulfuron methyl.
6. The plant cell of claim 1, wherein said plant is designated variety NS3801, representative seed of said variety having been deposited under ATCC Accession No. PTA-2470.
- 20
7. A tissue culture of regenerable cells of a *Brassica napus* plant which is Early Napus and resistant to at least one AHAS-inhibitor herbicide.
8. The tissue culture of claim 7, wherein said AHAS-inhibitor herbicide is an imidazolinone.
- 25
9. The tissue culture of claim 8, wherein said imidazolinone is imazethapyr or imazamox or a combination thereof.
- 30
10. The tissue culture of claim 7, wherein said AHAS-inhibitor herbicide is a sulfonylurea.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 09/994,092 Confirmation No. 7842  
Applicant : David G. Charne, et al.  
Filed : November 16, 2001  
TC/A.U. : 1638  
Examiner : David H. Kruse  
Docket No. : 1271  
Customer No. : 27310  
Title : *Brassica Napus* with Early Maturity (Early Napus) and  
Resistance to an AHAS-Inhibitor Herbicide

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DOCKETED**  
FEB 02 2005

**AMENDMENT**

In response to the Office Action of October 1, 2004, please amend the  
above-identified application as follows:

**Amendments to the Specification** begin on page two of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on  
page three of this paper.

**Remarks/Arguments** begin on page eight of this paper.

Serial No. 09/994,092  
Amendment Dated January 28, 2005  
Reply to Office Action of October 1, 2004

**Amendments to the Specification:**

Please cancel the previous amendment to the specification on page 18 and replace with the following new paragraph.

The deposit will be maintained at ATCC, P.O. Box 1549, Manassas, VA 201008. Access to this deposit will be available during the pendency of the application to the Commissioner of Patents and Trademarks and persons determined by the Commissioner to be entitled thereto upon request. This deposit will be maintained under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. The deposit will irrevocably and without restriction or condition be available to the public upon issuance of a patent. However, it should be understood that the availability of a deposit does not constitute a license to practice the subject invention in derogation of patent rights granted by government action or under the Plant Variety Protection Act (7 USC 2321 et seq.).

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A plant cell of a *Brassica napus* plant which is Early Napus and resistant to at least one AHAS-inhibitor herbicide, wherein said plant is ~~designated~~ variety NS3801, representative seed of said variety having been deposited under ATCC Accession No. PTA-2470.
2. (Original) The plant cell of claim 1, wherein said AHAS-inhibitor herbicide is an imidazolinone.
3. (Original) The plant cell of claim 2, wherein said imidazolinone is imazethapyr or imazamox or a combination thereof.
4. (Original) The plant cell of claim 1, wherein said AHAS-inhibitor herbicide is a sulfonylurea.
5. (Original) The plant cell of claim 4, wherein said sulfonylurea is thifensulfuron methyl.
6. (Canceled)
7. (Currently Amended) A tissue culture of regenerable cells of a *Brassica napus* plant which is Early Napus and resistant to at least one AHAS-inhibitor herbicide, wherein said plant is ~~designated~~ variety NS3801, representative

seed of said variety having been deposited under ATCC Accession No. PTA-2470.

8. (Original) The tissue culture of claim 7, wherein said AHAS-inhibitor herbicide is an imidazolinone.
9. (Original) The tissue culture of claim 8, wherein said imidazolinone is imazethapyr or imazamox or a combination thereof.
10. (Original) The tissue culture of claim 7, wherein said AHAS-inhibitor herbicide is a sulfonylurea.
11. (Original) The tissue culture of claim 10, wherein said sulfonylurea is thifensulfuron methyl.
12. (Canceled)
13. (Canceled)
14. (Currently Amended) A *Brassica napus* plant or plant part which is Early Napus and resistant to at least one AHAS-inhibitor herbicide, wherein said plant is ~~designated~~ variety NS3801, representative seed of said variety having been deposited under ATCC Accession No. PTA-2470.
15. (Currently Amended) The plant part of claim 14, wherein said plant part is selected from a group consisting of a tissue, pollen, ovules, roots, leaves, seeds, and microspores ovule, root, leave, seed and microspore.



16. (Original) The plant part of claim 14, wherein said AHAS-inhibitor herbicide is an imidazolinone.
17. (Original) The plant part of claim 16, wherein said imidazolinone is imazethapyr or imazamox or a combination thereof.
18. (Original) The plant part of claim 14, wherein said AHAS-inhibitor herbicide is a sulfonylurea.
19. (Original) The plant part of claim 18, wherein said sulfonylurea is thifensulfuron methyl.
- 20 (Canceled)
21. (Original) A method for regenerating a *Brassica napus* plant which is Early Napus and resistant to at least one AHAS-inhibitor herbicide, the method comprising growing the plant part of claim 14 under conditions sufficient to produce a regenerated plant.
22. (Previously presented) A method for breeding a Brassica line comprising crossing a first Brassica plant which is Early Napus and resistant to at least one AHAS-inhibitor herbicide with a second Brassica plant different from said first plant, wherein said first Brassica plant is variety NS3801, representative seed of said variety having been deposited under ATCC Accession No. PTA-2470.
23. (Canceled)

24. (Original) The method in accordance with claim 22, wherein said AHAS-inhibitor herbicide is an imidazolinone.
25. (Original) The method in accordance with claim 24, wherein said imidazolinone is imazethapyr or imazamox or a combination thereof.
26. (Original) The method in accordance with claim 22, wherein said AHAS-inhibitor herbicide is a sulfonylurea.
27. (Original) The method in accordance with claim 26, wherein said sulfonylurea is thifensulfuron methyl.
28. (Canceled)
29. (Currently Amended) A method for producing a first generation (F1) hybrid seed comprising crossing a first *Brassica napus* plant that is Early Napus and resistant to at least one AHAS-inhibitor herbicide with a second *Brassica napus* plant different from said first plant and harvesting the resultant first generation (F1) hybrid seed, wherein said first plant is ~~designated~~-variety NS3801, representative seed of said variety having been deposited under ATCC Accession No. PTA-2470.
30. (Previously Presented) The method in accordance with claim 29, wherein said AHAS-inhibitor herbicide is an imidazolinone.
- 31 (Previously Presented) The method in accordance with claim 30, wherein said imidazolinone is imazethapyr or imazamox or a combination thereof.

32. (Previously Presented) The method in accordance with claim 29, wherein said AHAS-inhibitor herbicide is a sulfonylurea.
33. (Previously Presented) The method in accordance with claim 32, wherein said sulfonylurea is thifensulfuron methyl.
- 34-55. (Canceled)
56. (Currently Amended) A *Brassica napus* F1 progeny plant or plant part of variety NS3801, wherein said progeny plant or plant part is Early Napus and resistant to at least one AHAS-inhibitor herbicide, representative seed of said variety having been deposited under ATCC Accession No. PTA-2470.
57. (Canceled)
58. (Currently Amended) A *Brassica napus* F1 progeny plant seed of variety NS3801, wherein said progeny plant seed is Early Napus and resistant to at least one AHAS-inhibitor herbicide, representative seed of said variety having been deposited under ATCC Accession No. PTA-2470.
59. (Canceled)
60. (Currently Amended) A *Brassica napus* F1 progeny plant cell of variety NS3801, wherein said progeny plant cell is Early Napus and resistant to at least one AHAS-inhibitor herbicide, representative seed of said variety having been deposited under ATCC Accession No. PTA-2470.
61. (Canceled)

### **REMARKS/ARGUMENTS**

Reexamination of the present application is respectfully requested.

The deposit language on page 18 of the specification is objected to because it is unclear what the amendment is stating. The Examiner states that the amendment does not state where the deposit will be maintained and that lines 5-7 of the amendment appear to contradict the statement at lines 3-5.

The new address for ATCC has been added in a new deposit paragraph. Lines 5-7 have been removed. The new deposit paragraph is believed to be in proper form.

Claim 34 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 34 is canceled.

Claims 1, 7, 14 and 29 are objected to because of the following informalities: The phrase "plant is designated variety" should read ---plant is variety---.

Claims 1, 7, 14 and 29 have been amended accordingly.

Claim 15 is objected to because of the recitation of species as plural.

Claim 15 has been amended accordingly.

Claims 13, 23, 60 and 61 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and 23 are canceled. Applicants maintain the right to pursue the claims in a continuation application.

The examiner objects to claim 60, lines 1-2, because the limitation "wherein said progeny plant cell" lacks proper antecedent basis within the claim.

Claim 60 has been amended to provide proper antecedent basis.

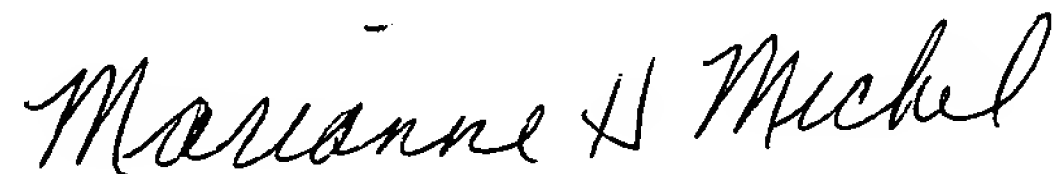
Serial No. 09/994,092  
Amendment Dated January 28, 2005  
Reply to Office Action of October 1, 2004

The Examiner states that Claims 13 and 23 remain rejected and claims 56, 58 and 60 are rejected under 35 USC 112, first paragraph as failing to comply with the written description requirement and the enablement requirement.

Applicants traverse the rejections. However, Claims 13 and 23 have been canceled and Claims 56, 58 and 60 have been amended as suggested by the Examiner to expedite prosecution. Applicants maintain the right to file a continuation application to pursue further arguments regarding the canceled claims.

In view of the above comments and amendments, withdrawal of the outstanding rejections and allowance of the remaining claims is respectfully requested.

Respectfully submitted,



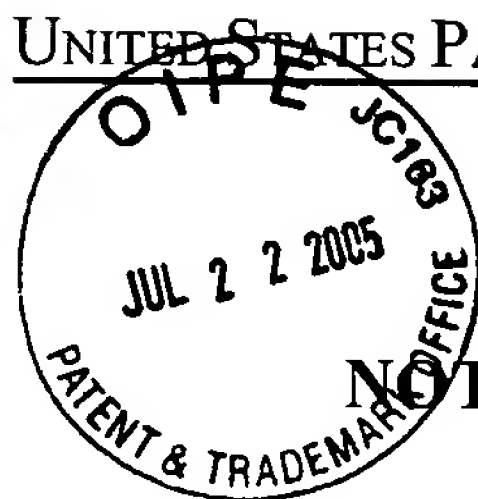
Marianne H. Michel  
Attorney for Applicant(s)  
Registration No. 35,286

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000  
Phone: (515) 334-4467  
Facsimile: (515) 334-6883



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Alexandria, Virginia 22313-1450  
www.uspto.gov



NOTICE OF ALLOWANCE AND FEE(S) DUE

27310 7590 03/04/2005  
PIONEER HI-BRED INTERNATIONAL INC.  
7100 N.W. 62ND AVENUE  
P.O. BOX 1000  
JOHNSTON, IA 50131

DOCKETED  
FEB 2 2005

EXAMINER	
KRUSE, DAVID H	
ART UNIT	PAPER NUMBER
1638	

DATE MAILED: 03/04/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,092	11/16/2001	David G. Charne	1271	7842

TITLE OF INVENTION: BRASSICA NAPUS WITH EARLY MATURITY (EARLY NAPUS) AND RESISTANCE TO AN AHAS-INHIBITOR HERBICIDE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	06/06/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

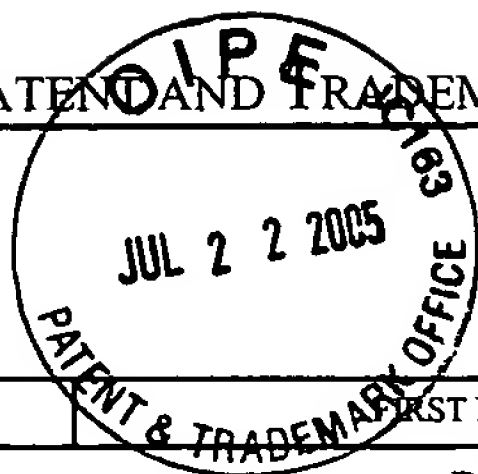
III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,092	11/16/2001	David G. Charne	1271	7842

27310 7590 03/04/2005

PIONEER HI-BRED INTERNATIONAL INC.  
7100 N.W. 62ND AVENUE  
P.O. BOX 1000  
JOHNSTON, IA 50131

**DOCKETED**  
MAR 22 2005

EXAMINER
----------

KRUSE, DAVID H

ART UNIT	PAPER NUMBER
----------	--------------

1638

DATE MAILED: 03/04/2005

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 72 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 72 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.





# Notice of Allowability

Application No.

09/994,092

Examiner

David H Kruse

Applicant(s)

CHARNE ET AL.

Art Unit

1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 28 January 2005.

2. ☒ The allowed claim(s) is/are 1-5,7-11,14-19,21,22,24-27,29-33,56,58 and 60.

3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date SAME.

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_.

DOCKETED

MAR 6 2005

JUL 2 8 2005



Art Unit: 1638

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marianne H. Michel on 16 February 2005.

The application has been amended as follows:

At claim 15, line 3, "leave" has been amended to -- leaf --.

At claim 56, line 1, "part of" has been amended to read -- part produced from --.

At claim 58, line 1, "seed of" has been amended to read -- seed produced from --.

At claim 60, line 1, "cell of" has been amended to read -- cell produced from --.

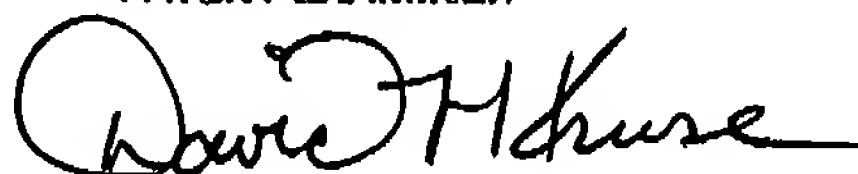
2. The above amendments are made to correct matters of form and to make the claims clearer and do not change the scope of the claims. Applicant's attorney Marianne H. Michel approved these amendments.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Kruse, Ph.D. whose telephone number is (571) 272-0799. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Amy Nelson can be reached at (571) 272-0804. The fax telephone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-0547.

DAVID H. KRUSE, PH.D.  
PATENT EXAMINER



David H. Kruse, Ph.D.  
16 February 2005

Art Unit: 1638

4. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.



**Examiner-Initiated Interview Summary**

Application No. 09/994,092		Applicant(s) CHARNE ET AL.	
Examiner David H Kruse		Art Unit 1638	

**All Participants:** **Status of Application:** Allowance

- (1) David H Kruse.
- (2) Marianne H. Michel.
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

**Date of Interview:** 16 February 2005 **Time:** 3:00 PM

**Type of Interview:**

☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No  
If Yes, provide a brief description:

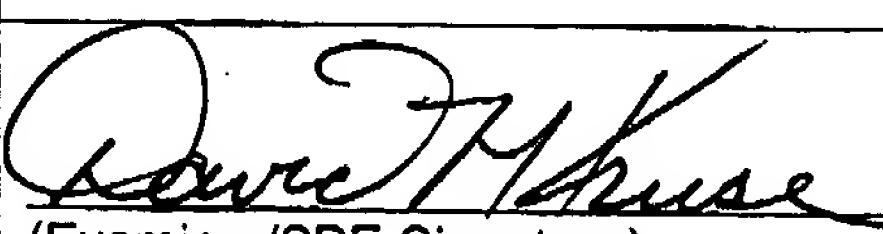
**Part I.**  
Rejection(s) discussed:  
*NONE*

Claims discussed:  
*5,56,58 and 60*

Prior art documents discussed:  
*NONE*

**Part II.**  
SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

- Part III.**
- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,914,171 B2

DATED : July 5, 2005

INVENTOR(S) : David G. Charne et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Column 11,

Lines 43-44 should read as follows:

-- The plant cell of claim 4, wherein said sulfonyurea is thifensulfuron methyl. --

Column 12,

Lines 60-64, should read as follows:

-- A Brassica napus F1 progeny plant cell produced from variety NS3801, wherein said progeny plant cell is Early Napus and resistant to at least one AHAS-inhibitor herbicide, representative seed of said variety having been deposited under ATCC Accession No. PTA-2470. --

MAILING ADDRESS OF SENDER: Pioneer Hi-Bred International, Inc.  
7100 N.W. 62<sup>nd</sup> Ave.  
P.O. Box 1000  
Johnston, Iowa 50131-1000

PATENT NO. 6,914,171 B2

No. of additional copies

➡ Page 1 of 1

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUL 28 2005